

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ATARI INTERACTIVE, INC.,

Plaintiff,

v.

REDBUBBLE, INC.,

Defendant.


Case No. 18-cv-03451-JST

ORDER RE VERDICT FORM

Attached is the verdict form the Court intends to give in this matter.

IT IS SO ORDERED.

Dated: November 2, 2021


JON S. TIGAR
United States District Judge

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ATARI INTERACTIVE, INC.,
Plaintiff,
v.
REDBUBBLE, INC.,
Defendant.

Case No. 18-cv-03451-JST

VERDICT FORM

We, the jury, duly empaneled and sworn in the above-entitled action, answer the questions posed to us as follows:

TRADEMARK COUNTERFEITING

1. Did Defendant Redbubble counterfeit the ATARI mark:

(a) Directly? Yes _____ No _____

or

(b) Vicariously? Yes _____ No _____

If you answered “yes” to either Question 1(a) or Question 1(b), please answer Question 2.
If you answered “no” to both Question 1(a) and Question 1(b), please skip Questions 2 and 3 and answer Question 4.

2. How many types of counterfeit goods using the ATARI mark did Redbubble sell, offer for sale, or distribute?

Answer: _____

Please answer Question 3.

1 3. What is the total amount of statutory damages you award to Plaintiff Atari for Defendant
2 Redbubble's counterfeiting of the ATARI mark?

3 Number of types _____ x Damages per type \$_____ =

4 Total damages \$_____

5 Please answer Question 4.

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7 4. Did Defendant Redbubble counterfeit the PONG mark:

8 (a) Directly? Yes _____ No _____

9 or

10 (b) Vicariously? Yes _____ No _____

11 If you answered "yes" to either Question 4(a) or Question 4(b), answer Question 5. If you
12 answered "no" to both Question 4(a) and Question 4(b), skip Questions 5 and 6 and answer
13 Question 7.

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15 5. How many types of counterfeit goods using the PONG did Redbubble sell, offer for sale,
16 or distribute?

17 Answer: _____

18 Please answer Question 6.

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20 6. What is the total amount of statutory damages you award to Plaintiff Atari for Defendant
21 Redbubble's counterfeiting of the PONG mark?

22 Number of types _____ x Damages per type \$_____ =

23 Total damages \$_____

24 Please answer Question 7.

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TRADEMARK INFRINGEMENT

7. Did Defendant Redbubble infringe either of the following Atari trademarks?

(a) ATARI Yes _____ No _____

(b) PONG Yes _____ No _____

Please answer Question 8.

COPYRIGHT INFRINGEMENT

8. Did Defendant Redbubble infringe any copyright owned by Plaintiff Atari?

Yes _____ No _____

If you answered “yes” to Question 8, please answer Question 9. If you answered “no” to Question 8, please stop here, answer no further questions, and have the presiding juror sign and date this form.

9. Were the game graphics or artwork associated with any of the following games infringed:

Adventure Yes _____ No _____

Asteroids Yes _____ No _____

Breakout Yes _____ No _____

Centipede Yes _____ No _____

Missile Command Yes _____ No _____

Pong Yes _____ No _____

Yar’s Revenge Yes _____ No _____

Please answer Question 10.

10. Is *Atari’s Greatest Hits Volume 1*, which contains the games identified in Question 9, a compilation?

Yes _____ No _____

If you answered “yes” to Question 10, please answer Question 11. If you answered “no” to Question 10, please skip Question 11 and answer Question 12.

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11. What is the total amount of statutory damages you award to Plaintiff Atari for Defendant Redbubble's infringement of the game graphics or artwork associated with *Atari's Greatest Hits Volume I*? \$_____

Please stop here, answer no further questions, and have the presiding juror sign and date this form.

12. What is the total amount of statutory damages you award to Plaintiff Atari for Defendant Redbubble's infringement of the game graphics or artwork associated with the following games? You should award damages only for those games as to which you answered "yes" to Question 9.

Adventure \$_____

Asteroids \$_____

Breakout \$_____

Centipede \$_____

Missile Command \$_____

Pong \$_____

Yar's Revenge \$_____

Please have the presiding juror sign and date this form.

Dated: _____

Signed: _____
Presiding Juror